

REMARKS

Applicant notes that a telephone interview was conducted with the Examiner on December 7, 2007. During the telephone interview, Applicant's representative discussed the outstanding Restriction Requirement. In sum, the Examiner indicated that if an election to Group V was made and if claims 2-6 and 8-10 were cancelled, Groups VI and VII would be incorporated in Group V, as an elected Group.

Accordingly, claims 2-6 and 8-10 have been cancelled herewith.

Claims 2-6 and 8-17 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. § 121. Specifically, the Official Action avers that the following inventions are present in the claims:

Group I, claim 2 drawn to a heat treatment apparatus with a table reading device, classified in class 606, subclass 27;

Group II, claim 3 drawn to a heat treatment apparatus with an ambient temperature measuring device and initial characteristics measurement device, classified in class 606, subclass 27;

Group III, claims 4-6 drawn to a heat treatment apparatus with a plurality of treatment tools, an initial characteristics measurement device and a driving device, classified in class 606, subclass 27;

Group IV, claims 8-10 drawn to a heat treatment apparatus with a plurality of treatment tools, an initial characteristics measurement device, a driving device and a control section, classified in class 606, subclass 27;

Group V, claims 11-14 drawn to a heat treatment apparatus with an identifying device and judging device, classified in class 606, subclass 27;

Group VI, claims 15-16 drawn to a heat treatment apparatus with a judging device, operating device and a memory device, classified in class 606, subclass 27; and

Group VII, claims 17 drawn to a heat treatment apparatus with an ambient temperature measuring device, a temperature correcting device and a treatment tool, classified in class 606, subclass 27.

It is the Examiner's position that the inventions listed as Groups I-VII are distinct from each other. It is also the Examiner's position that each claim creates numerous interpretations for the Examiner to consider and would make the examination burdensome warranting the restriction requirement.

In response to the Examiner's requirements for restriction and species election, Applicants elect to prosecute the subject matter of Group V, claims 11-14. Applicant reminds the Examiner the Groups VI-VII, claims 15-17 should be included in the elected group. However, Applicant reserves the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

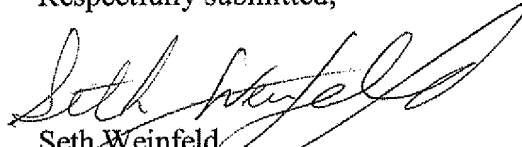
Applicant also notes that in the Official Action dated March 9, 2007, the Examiner indicated that claims 11-17 were allowable. The Official Action reads that the prior art neglects to disclose or suggest in the context of the allowed claims an identifying device for each one of a plurality of treatment tools and a resistance value detecting device. Applicant maintains that claims 11-17 are still allowable for at least the reasons identified in the Official Action dated March 9, 2007.

Lastly, Applicant notes that claims 11 and 15 are amended to fix a minor typographical error.

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the

Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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